



Legislation Text

File #: ANEX-23-0030, **Version:** 4

Amara Addition No. 1 Annexation located along Bradley Road, east of S. Marksheffel Road, consisting of 0.644 acres. (Legislative)

Presenter:

Katie Carleo, Acting Assistant Director of Planning + Neighborhood Services
Kevin Walker, Interim Director of Planning + Neighborhood Services

Summary:

Owner: Tee Cross Ranches LLC
Developer: La Plata Cruz Holdings LLC
Representative: La Plata Communities
Location: Northeast of Squirrel Creek Road and Link Road, and south of Bradley Road.

The proposed project includes concurrent applications for the Amara Annexation of approximately 3,200 acres (Annexation Addition No. 1-23), establishment of the A (Agricultural) zoning district, and establishment of the Amara Master Plan.

PLEASE NOTE: There are multiple agenda items associated with the Amara Annexation consisting of ordinances and resolutions associated with each area of the overall serial and flagpole annexation sequence. The ordinances include plats and legal descriptions of each annexation section. The resolutions include findings of fact and associated annexation agreements for private properties. (Annexation Additions 1-10 are for Bradley Road, which is owned by the City, and therefore do not require annexation agreements).

The “master annexation agreement” that sets-up the terms and conditions for all of the private properties and future development is attached to Resolution for Amara Addition No.11. Subsequent agreements reference back to the “master annexation agreement.”

The first agenda item (Amara Addition No.1 Annexation Ordinance) contains attachments relevant to all of the items including presentation slides, fiscal impact report, Planning Commission Staff report and minutes, among other materials. Subsequent agenda items include abbreviated cover memos and associated ordinances or resolutions.

Background:

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed application(s).

Review Criteria:

Conditions for Annexation

City Code Section 7.6.203 establishes “conditions for annexation” to “assist” the City Council in

rendering a decision on annexations. It's important to note the distinction between the reference to "assist" in making a decision compared to "review criteria" applicable to quasi-judicial applications. The difference is important because annexations are legislative and discretionary in nature and these "conditions" are intended to advise and guide.

- A. *The area proposed to be annexed is a logical extension of the City's boundary;*
- B. *The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;*
- C. *There is a projected available water surplus at the time of request;*
- D. *The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;*
- E. *The annexation can be affected at the time the utilities are extended or at some time in the future;*
- F. *The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;*
- G. *All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements.*
- H. *If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.*

The Planning Commission found that the proposed annexations meet statutory requirements, and the applications meet the review criteria where applicable.

City Council Guidelines for Annexations

In addition to the Conditions for Annexation set forth in City Code, in early 2024 the City Council established guidelines for reviewing annexations to help aid in analyzing annexations. Although these guidelines are not expressly intended to be used by the Planning Commission, they were provided to the Planning Commission as a reference to help the Planning Commission better understand "what the City Council is looking for" in annexation. The guidelines are:

1. *Offers housing diversity*
2. *Sufficiency of existing or planned roadway infrastructure*
3. *Sufficiency of existing or planned public safety staffing*
4. *Proximity/opportunity to serve employment centers*
5. *Diversity of development (commercial/industrial/residential)*
6. *Economic impact on city*
7. *Reasonable utilities cost recovery / ROI projections*
8. *Connectivity / Proximity to transportation options*
9. *Desirable parkland/open space*

10. *Ability to fund / offset costs for needed public facilities*

The Planning Commission found that the overall annexation is consistent with the guidelines.

Previous Council Action:

On November 23, 2021, the City Council accepted the original petition for the Amara Annexation. As part of the new City Council Annexation Checkpoint policy the annexation and the fiscal impact analysis were presented to the City Council at the March 11, 2024, Work Session. On April 23, 2024, City Council took action to pass a resolution for the Amara Annexations 1-23 to set a hearing date for May 28, 2024.

Financial Implications:

A Fiscal Impact Analysis (FIA) is required for all annexations. Due to the magnitude of the proposed annexation the City Economic Development Department worked with the City Budget Office and has consulted with an outside agency, Economic Planning Systems (EPS), to conduct a Fiscal Impact Analysis. A full presentation on the FIA was given at the City Council Work Session held March 11, 2024. The FIA concludes that after a projected 25-year buildout, the Annexation will result in net positive cumulative and annual fiscal impact (this includes general fund sales tax and earmarked special purpose sales tax). The FIA is attached.

City Council Appointed Board/Commission/Committee Recommendation:

At the April 16, 2024, City Planning Commission Hearing the Amara Annexation Additions 1-23 and the Amara Master Plan were voted on with a 7-2-0 vote to recommend approval (with Commissioners McMurray and Hente opposed). The zone change application was recommended for approval with a vote of 8-1-0 (with Commissioner Hente opposed).

The majority of the Planning Commission expressed that the Amara annexation would aid in the housing market, support military installations and the City's expanding defense industry, and that urban-level development is more appropriate within the City rather than in unincorporated areas of El Paso County. The Commissioners had questions and some concerns regarding delivery of City services to future residents and businesses; however, most Commissioners felt that the annexation agreement provides adequate terms and conditions.

For details, please refer to the attached Planning Commission minutes.

Optional Motions:

The proposed annexation meets statutory requirements. No formal recommendation is being provided. Motions for approval and denial are provided below.

1. Motion to Approve

Approve the annexation of 0.644 acres as Amara Addition No. 1 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Chapter 7 Section 7.6.203.

2. Motion to Deny

Deny the annexation of 0.644 acres as Amara Addition No. 1 Annexation based upon the findings that the annexation does not comply with the Conditions for Annexation, as set forth in City Code

Chapter 7 Section 7.6.203.

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS
AMARA ADDITION NO. 1 ANNEXATION CONSISTING OF 0.644 ACRES